

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ARTISAN MANUFACTURING CORPORATION, :

Plaintiff, :

- against - :

ALL GRANITE & MARBLE CORPORATION, :

Defendant. :
----- X

Civil Action No.:
07 cv 11278 (WHP)

**DECLARATION OF JOSEPH AMABILE IN SUPPORT OF PLAINTIFF'S MOTION
FOR A PRELIMINARY INJUNCTION, TEMPORARY RESTRAINING ORDER
AND ORDER FOR EXPEDITED DISCOVERY**

JOSEPH AMABILE, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct to the best of his knowledge:

1. I am Regional Sales Manager for Plaintiff Artisan Manufacturing Corporation ("Artisan") in this action. I make this declaration in support of Artisan's motion for a preliminary injunction, temporary restraining order and order for expedited discovery against Defendant All Granite & Marble Corporation ("All Granite").
2. Artisan makes, markets and sells high quality stainless steel sinks, faucets and accessories. All ARTISAN brand sinks are made from heavy gauge stainless steel — 10 to 25 percent thicker than other standard kitchen sinks — with a brushed finish to match high-end stainless steel kitchen appliances. Artisan pads the entire bottom and all four sides of its sinks to create the best sound deadening in the industry, and it also adds an undercoat for more sound deadening and additional thermal retention.
3. Another feature on which Artisan takes great pride is the edge radius on its sinks. ARTISAN brand sinks have one of the tightest edge radiuses in the industry, which allows for a

clean granite-to-sink transition and the use of less silicone, which also increases visual appeal. The tightness of the radius also allows Artisan to offer a sink with a larger interior dimension.

4. As described in the declaration of Allison Davies, Ms. Davies ordered a countertop to be installed by All Granite and presented All Granite's "free sink" coupon that appeared in "The Clipper" coupon circular. This countertop, with what was confirmed to Ms. Davies would be an "Artisan" sink, that Ms. Davies ordered was to be installed in my home. The genuine Artisan sink that Ms. Davies ordered has a suggested retail price of \$525.00.


5. On November 29, 2007, a crew from All Granite came to my home, removed my existing kitchen countertop from the kitchen, and made measurements that the crew told me were being made to prepare a template for the countertop. When the work was done for the day, I paid All Granite the amount it requested as a deposit, which was approximately \$1,600.00 plus an additional \$250.00 for the removal of the countertop. Although the crew removed the countertop from my kitchen, they left it in my driveway.

6. On December 5, 2007, All Granite came back to my home to install the countertop and "Artisan" sink that Ms. Davies had ordered. Upon installation, I paid All Granite the balance due, which totaled \$1,963.89.

7. Upon looking at the sink, I could tell right away that the sink that All Granite installed was not an ARTISAN brand sink. Instead, it was a sink that appeared substandard to Artisan's products. For example, this sink was missing major some of the major design elements that go into an Artisan sink, including Artisan's tight edge radius and Artisan's superior sound deadening pans. Moreover, while I am not aware of the exact specifications of the All Granite sink, I am fairly certain that it is not manufactured of 16 gauge stainless steel as Artisan's top of the line sinks are and as Ms. Davies was promised when she ordered the countertop from All Granite.

8. Moreover, while a logo appeared on the installed sink, this logo was not the distinctive FLEUR-DE-LIS design mark that Artisan owns and uses, even though the appearance of the design was quite similar. True and correct copies of photographs that I took of the sink that All Granite installed, and the logo on such sink, are attached hereto as Exhibit A.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT. EXECUTED ON JANUARY 8, 2008.



JOSEPH AMABILE

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Plaintiff, :

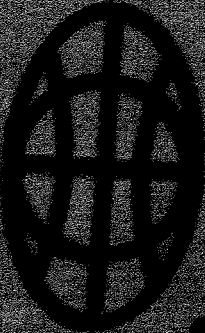
- against - :

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EXHIBIT A

ALL GRANITE

AND MARBLE CO.
BALANCE
Receipt

